NATIONAL ADMINISTRATIVE REGISTER · JUNE 10, 2013

A RESOLUTION ADOPTING THE SUPPLEMENTAL RULES TO THE TRANSITORY RULES FOR THE INITIAL IMPLEMENTATION OF OPEN ACCESS AND RETAIL COMPETITION

ERC RESOLUTION NO. 11, S. 2013, June 10, 2013

Read online (full-text search, related cases, audio case brief): https://batas.org/library/fec25983e9dc/

WHEREAS, on December 17, 2012, the Energy Regulatory Commission (ERC) promulgated the "Transitory Rules for the Initial Implementation of Open Access and Retail Competition (Transitory Rules)";

WHEREAS, Section 4.1 of the said Transitory Rules provides that:

> "4.1 xxx
>
> From June 26, 2013 to December 25, 2013, Contestable Customers who are not able to contract with a RES shall continue to be served by the DU. However, such CCs shall show that they have exhausted all means in securing an RSC with a RES to the ERC";

WHEREAS, the Transitory Rules provide a timeline on when Contestable Customers (CCs) should enter into Retail Supply Contracts (RSCs);

WHEREAS, a significant number of CCs manifested their difficulties to get fixed offers from Retail Electricity Suppliers (RES) and requested that they be allowed to continue as customers of their respective distribution utilities (DUs);

WHEREAS, there is a need to address the issues and concerns raised by these CCs so as to ensure continuity of electricity supply to them after June 25, 2013;

WHEREAS, on May 24, 2013, the ERC posted for comments the proposed "Resolution Suppletory to Section 4.1 of the Transitory Rules for the Initial Implementation of Open Access and Retail Competition";

WHEREAS, in accordance with the provisions of Republic Act No. 9136 (R.A. 9136) and after a careful consideration of the various views and comments submitted by interested parties, the ERC deems it appropriate to adopt the additional provisions in the Transitory Rules for the Initial Implementation of Open Access and Retail Competition;

NOW THEREFORE, pursuant to its mandate to promote competition and protect customer interests, the ERC hereby RESOLVES, as it is hereby RESOLVED, to APPROVE and ADOPT the following supplemental Rules to the Transitory Rules for the Initial Implementation of Open Access and Retail Competition:

- Section 4.1 of the Transitory Rules notwithstanding, a CC that fails to enter into an RSC by June 25, 2013 shall be deemed to stay with its current DU until December 25, 2013, or until such time that it is able to find a RES, provided that it informs DU of such fact on or before June 25, 2013.

- If a CC decides to move from the regulated service of a DU come June 26, 2013 or to enter into an RSC with a RES, such CC shall no longer be allowed to revert back to the DU's regulated service. The said CC shall remain forever in the competitive retail electricity market without prejudice to Section 2.6, Article II of the Rules for

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

Contestability.

- In case a last resort supply event occurs to CCs that are participating in the competitive retail market, the CCs' options are: (a) SOLR service, or (b) source from WESM, or (c) generate their own electricity, or (d) disconnection from DU service.

- A CC should advise the DU that it will be leaving the DU's regulated service at least sixty (60) days prior to the effectivity of its RSC with a RES.

Let copies of this Resolution be furnished all parties concerned and the University of the Philippines Law Center - Office of the National Administrative Register (UPLC-ONAR), all the licensed Retail Electricity Suppliers and all distribution utilities.

This Resolution shall take effect immediately following its publication in a newspaper of general circulation.

(SGD.) ZENAIDA G. CRUZ-DUCUT
Chairperson

(SGD.) MARIA TERESA A.R. CASTAÑEDA
Commissioner

(SGD.) JOSE C. REYES
Commissioner

(SGD.) ALFREDO J. NON
Commissioner

GLORIA VICTORIA C. YAP-TARUC (On Official Travel)
Commissioner

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.